

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

JOSHUA MOORE,

Plaintiff,

v.

**PRECISELY PROMPT FREIGHT, LLC
and ANTHONY DIONNE MANN,**

Defendants.

**DOCKET NO.: _____
DIVISION NO.: _____
JURY DEMANDED**

COMPLAINT FOR AUTOMOBILE NEGLIGENCE

COMES NOW the Plaintiff, JOSHUA MOORE (“Plaintiff”), by and through counsel, and files this Complaint against the Defendants, PRECISELY PROMPT FREIGHT, LLC and ANTHONY DIONNE MANN (“Defendants”), for personal injuries and damages and would respectfully state unto this Honorable Court the following to wit:

1. Joshua Moore is an adult resident of Memphis, Shelby County, Tennessee.
2. Upon information and belief, Defendant Anthony Dionne Mann, is an adult resident of Bakersfield, CA who may be served with process at 10824 Tivoli Ct., Bakersfield, CA 93313.
3. Upon information and belief, Precisely Prompt Freight, LLC. (hereinafter “PPF”) is a Company doing business in the State of Tennessee with its principal office located at 10824 Tivoli Ct., Bakersfield, CA 93313, who may be served with process through its registered agent, Anthony Mann, at 10824 Tivoli Ct., Bakersfield, CA 93313.

JURISDICTION AND VENUE

4. This cause of action arises in tort, as a result of injuries sustained due to the negligent operation of a motor vehicle driven by Defendant Anthony Dionne Mann, in Shelby County, Tennessee on or about April 20, 2021.

5. Venue is properly situated in Shelby County pursuant to Tenn. Code Ann. § 20-4-101.

6. This Court has general jurisdiction of this matter pursuant to Tenn. Code Ann. § 16-10-101.

7. This Complaint is filed within the applicable statute of limitations.

FACTS

8. On or about April 20, 2021, Plaintiff Joshua Moore was traveling southwest on Highway 70 at or around Jetway Drive in Arlington, Shelby County, Tennessee.

9. At all times relevant hereto, Plaintiff was operating a 2015 Buick LaCrosse bearing the VIN 1G4GB5G30FF279909.

10. At all times relevant hereto, Defendant was operating a 2013 Freightliner Cascadia Conventional bearing the VIN 3AKJGLDR3DSFJ9560.

11. At the same time, a Defendant was traveling southeast on the exit ramp from State Highway 385 in Arlington, Shelby County, Tennessee.

12. While traveling southeast on the exit ramp from State Highway 385, Defendant failed to yield the right of way and proceeded into the path of Plaintiff's vehicle.

13. As a result of the Defendant negligently failing to yield right of way, Plaintiff's vehicle impacted the left side center of Defendant's vehicle, causing Plaintiff's vehicle to spin

counterclockwise, landing in a ditch on the north side of Highway 70 three tenths of a mile west of Jetway facing southeast.

14. At all times relevant hereto, Plaintiff alleges he was exercising due care and caution for his own safety and for the safety of others properly on the aforesaid street and as a direct and proximate result of Defendants' negligence, Plaintiff suffered serious and severe personal injuries and damages, which required medical attention.

15. Joshua Moore was an innocent victim who in no way contributed to causing the collision or injuries to himself or anyone else on April 20, 2021.

16. At the time of the collision, Defendant Mann was an owner/operator of Defendant PPF and was in the furtherance of the business.

17. The collision was foreseeable to Defendants Mann and PPF and could have been avoided had said Defendants acted in a safe and prudent manner as required by Tennessee law and in accordance with the standards required of drivers.

18. At all times relevant hereto, Plaintiff alleges he were exercising care and caution for his own safety and for the safety of others properly on the aforesaid street, and as a direct and proximate result of Defendants' negligence, Joshua Moore was severely injured.

CAUSE OF ACTION
NEGLIGENCE

19. Plaintiff Joshua Moore reincorporates paragraphs 1-18 as though set forth verbatim.

20. Plaintiff charges and alleges that Defendant Anthony Mann negligently and wantonly operated his vehicle, causing Plaintiff's vehicle to collide with Defendant's vehicle and/or trailer.

21. Plaintiff charges and alleges that Defendant is guilty of one, some, or all of the following acts and/or omissions of common law negligence which were the direct and proximate cause of Plaintiff's injuries, to-wit:,

- a. Negligently failing to maintain a proper lookout ahead;
- b. Negligently failing to maintain proper control of the vehicle under the existing circumstances;
- c. Negligently failing to devote full time and attention to the operation of the vehicle;
- d. Negligently failing to use the degree of care and caution that was required under the existing circumstances;
- e. Negligently failing to operate the vehicle at a safe speed for the circumstances then and there existing;
- f. Negligently failing to use that degree of care and caution in the operation of the vehicle as was required of a reasonable and prudent person under the same or similar circumstances at the time and place of the aforementioned collision;
- g. Negligently failing to avoid a collision when Defendant knew and/or should have known that a collision was imminent;
- h. Negligently proceeding into the path of oncoming traffic;
- i. Negligently disregarding a stop sign; and
- j. Negligently failing to yield the right-of-way.

NEGLIGENCE PER SE

22. Plaintiff Joshua Moore reincorporates paragraphs 1-21 as though set forth verbatim.

23. Plaintiff charges and alleges that Defendants were guilty of violating one or more of the following statutes of the State of Tennessee, each and every such statute being in full force and effect at the time and place of the collision complained of, each and every such violation constituting a separate and distinct act of negligence *per se*, and each and every such act constituting a direct and proximate cause of Plaintiff's injuries and damages, to-wit:

Section 55-8-103: Required obedience to traffic laws – Penalty;

Section 55-8-109: Obedience to any required traffic-control device;

Section 55-8-136: Drivers to exercise due care;

Section 55-8-197: Failure to yield right of way; and

Section 55-10-205: Reckless driving.

24. Plaintiff further alleges that Defendants were guilty of violating one or more of the following Ordinances of the City of Memphis which were in full force and effect at the time and place of said accident, and that the violation of the aforesaid Ordinances were the direct and proximate cause of Plaintiff's injuries and damages, to wit:

Sec. 11-16-2: Duty to devote full time and attention to operating vehicle;

Sec. 11-16-3: Duty to drive at safe speed, maintain lookout and keep vehicle under control;

Sec. 11-16-26: Stop intersections; and

Sec. 11-16-44: Reckless driving.

INJURIES AND DAMAGES

25. Plaintiff Joshua Moore reincorporates paragraphs 1-24 as though set forth herein verbatim.

26. Plaintiff alleges that as a direct and proximate result of the herein above-described acts of gross negligence, malice, reckless disregard for the safety of others, willful and wanton conduct, and negligence of Defendants, Joshua Moore sustained multiple, serious, and disabling injuries to his body as a whole, including, but not limited to back, neck and shoulder.

27. Plaintiff alleges that he has endured pain and suffering and may continue to suffer from the injuries arising out of the subject wreck.

28. Plaintiff alleges that he has incurred reasonable and necessary medical expenses in order to alleviate his pain and suffering, and verily believes that he will incur said expenses in the future.

29. Plaintiff further alleges that he has sustained a loss of enjoyment and quality of the normal pleasures of life as a result of the subject wreck, past, present, and future.

30. As a direct and proximate result of the negligence of Defendants, including the violations of statutes and ordinances covering the operation of motor vehicles within the State of Tennessee, Joshua Moore incurred medical expenses and may have to do so in the future due to the residual effects of this incident.

31. As a direct and proximate result of the negligence of Defendants, Joshua Moore lost earnings and earning capacity.

32. As a direct and proximate result of the negligence, and acts or omissions of Defendants, Joshua Moore was caused to suffer significant harms, losses, pain, suffering, physical injury and damages, including but not limited to those listed in this Complaint.

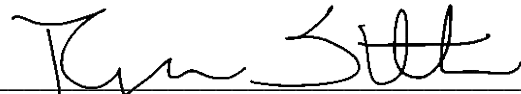
RELIEF SOUGHT

WHEREFORE PREMISES CONSIDERED, Joshua Moore respectfully prays:

1. That Plaintiff be awarded the present cash value of any medical care and treatment that he will have to undergo;
2. That Plaintiff be awarded special damages for medical, hospital and doctors expenses incurred, according to proof;
3. That Plaintiff be awarded special damages for lost wages, income and earning capacity;
4. That Plaintiff be awarded compensatory damages in the amount of One Million and no/100ths Dollars (\$1,000,000.00);
5. That Plaintiff be awarded post-judgment interest as allowed by law;
6. That a jury be empaneled to try the issues when joined; and
7. Such further relief as the Court may deem just and equitable.

Respectfully submitted,

MORGAN & MORGAN – MEMPHIS, LLC



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